

**BY ORDER OF THE COMMANDER
ROBINS AIR FORCE BASE**

**ROBINS AIR FORCE BASE INSTRUCTION
36-1203**



17 FEBRUARY 2010

Personnel

**ADMINISTRATIVE GRIEVANCE
PROCEDURES**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

ACCESSIBILITY: Publications and forms are available on the e-Publishing website at www.e-publishing.af.mil for downloading or ordering

RELEASABILITY: There are no releasability restrictions on this publication.

OPR: WR-ALC/DPLD

Supersedes: ROBINSAFBI36-1203,
24 October 1997

Certified by: WR-ALC/DP
(Ms. Mary C. Larralde)

Pages: 8

The instruction implements AFPD 36-12, *Dispute Resolution*, and establishes an installation-wide administrative grievance procedure (AGP). It explains how to present, review, and answer grievances for covered non-bargaining unit employees of the Warner Robins Air Logistics Center (WR-ALC) and Associate Units. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using Air Force (AF) Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional's chain of command. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of in accordance with Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS) located at <https://www.my.af.mil/gcss-af61a/afrims/afrims/>. See Attachment 1 for a glossary of references and supporting information.

SUMMARY OF CHANGES

This document is substantially revised and must be completely reviewed.

1. AUTHORITY AND RESPONSIBILITY.

1.1. Commanders. The WR-ALC Commander, Staff Directors, Wing Commanders, Associate Unit Commanders or their designees, except as provided below, will make final written decisions on grievances. This includes decisions on the rejection and cancellation of grievances.

1.2. The deciding official must be at a higher organizational level than any person involved in the grievance or having a direct interest in the matter being grieved. If to meet this requirement, it is necessary to elevate the grievance above the organizational level, the deciding official will be an individual in the next higher management level in the grieving employee's chain of command.

1.3. Grievances filed by employees of an Associate Unit will be decided by an official in the grievant's chain of command, except where the grievance concerns matters outside the authority of that chain of command. Normally, the deciding official will be within the grievant's chain of command. However, if the grievance involves a matter under the jurisdiction of another organizational area, WR-ALC/DP may designate the official of that organizational area as the deciding official.

1.4. Grievances filed concerning career field management issues will be processed in accordance with Air Force Manual (AFMAN) 36-606, Volume 1, *Air Force Civilian Career Program Management*, Section 1H, Grievances and Complaints, paragraph 1.45. Settlement agreements involving career program policies or positions must be in compliance with AFMAN 36-606, Volume 1, Section 1H, paragraph 1.46

2. EMPLOYEES AND MATTERS COVERED BY THIS PROCEDURE.

2.1. **Employee Coverage.** The Agency Grievance Procedure (AGP) applies to U.S. citizen employees of the Air Force who are paid from appropriated funds and who are either non-bargaining unit employees or bargaining unit employees in a unit where no collective bargaining agreement is in effect or where the negotiated grievance procedure excludes the matters at issue. The AGP doesn't apply to AAFES employees or to applicants for employment.

2.2. **Matters Covered.** The AGP is available to review any matter of personal concern or dissatisfaction relating to the employment of the employee (s) which is subject to the control of the Center or Associate Unit Commanders unless excluded below.

2.3. **Matters Excluded.** The AGP specifically excludes the following matters.

2.3.1. The content of established agency regulations (Air Force Instructions) and policy.

2.3.2. Any matter covered by a negotiated grievance procedure or subject to formal review and adjudication by the Merit Systems Protection Board, the Office of Personnel Management, the Federal Labor Relations Authority, the Equal Employment Opportunity Commission or any matter that the employee files under another review process or reconsideration procedure, or dispute resolution process (e.g. classification appeals) within the DoD.

2.3.3. Non-selection for promotion from a group of properly ranked and certified candidates or failure to receive a non-competitive promotion.

2.3.4. Preliminary notice of an action that, if effected, would be covered under the Air Force appeal or grievance systems or adjudication by the agencies cited in paragraph 14.2 of AFI 36-1203, *Administrative Grievance System*.

2.3.5. The substance of performance standards, elements, and/or work objectives.

2.3.6. The granting of, or failure to grant a performance award; or the adoption of or failure to adopt a suggestion or invention under 5 CFR Part 451; the receipt of or failure to receive a performance award under 5 U.S.C. 5384, performance awards in the SES/SIES; the receipt of or failure to receive a quality step increase under 5 U.S.C. 5336.

2.3.7. The payment of, failure to pay, or the amount of a recruitment bonus, a relocation bonus, a retention allowance, or a supervisory differential under 5 CFR Part 575; the payment of or failure to pay or the amount of critical position pay under 5 U.S.C. 5377.

2.3.8. Any action taken under a voluntary formal agreement entered into by an employee involving geographic relocation or return from an overseas assignment.

2.3.9. The termination of a probationer.

2.3.10. The return of an employee serving a probationary period as a supervisor or manager to a nonsupervisory or nonmanagerial position for failure to satisfactorily complete the probationary period.

2.3.11. The separation or termination of an employee during a trial period.

2.3.12. Reassignment of a SES/SIES member following receipt of an unsatisfactory rating. Also return of a SES/SIES member to another pay system during the one-year period of probation or for less than fully successful executive performance, and failure to be recertified, conditional recertification, or termination during probation for unacceptable performance.

2.3.13. The termination or expiration of a term or temporary appointment or promotion, whether in the competitive or excepted service, in accordance with conditions of the appointment or promotion provided the employee was informed in advance of the temporary nature of the appointment or promotion and is returned to his or her former or equivalent position if temporarily promoted.

2.3.14. SES/SIES performance evaluations and awards (including meritorious or distinguished executive rank awards) and SES/SIES or Senior Level pay rate changes.

2.3.15. A separation or termination action from a permanent position except as provided for in paragraph 13 of AFI 36-1203, *Administrative Grievance System*.

2.3.16. Notices of proposed action.

2.3.17. The classification of any position.

2.3.18. Any process or determination relating to the granting, denial, or revocation of security clearances or access to classified material.

3. GROUP GRIEVANCES.

3.1. **Criteria for Group Grievances.** Identical or similar grievances may be joined and processed together provided this does not adversely affect the rights of any employee and joint processing is more effective and efficient. Employees may submit a grievance as a group if all the employees are serviced by the same Directorate of Personnel (WR-ALC/DP) and the grievances are identical and similar when the concerns expressed and the reliefs requested are identical or similar.

3.1.1. All employees who join in the grievance must be identified and must sign the grievance once it is placed in writing. An employee may withdraw from a group grievance, in writing, at any time before a final decision is rendered; however, that employee may not then initiate the same or a substantially similar grievance under this procedure.

3.1.2. A group grievance is processed as a single grievance in the name of the employee designated by the others to act for them. If the employees do not make a designation, communications will be addressed to the employee whose name appears first on the grievance.

3.1.3. A decision on a group grievance applies to all employees in the group and each is given a copy of the decision.

4. ADMINISTRATIVE GRIEVANCE PROCESS.

4.1. **Alternative Dispute Resolution (ADR).** Alternative Dispute Resolution (ADR) techniques, such as mediation, peer review panels, facilitation, and settlement conferences, should be utilized to the maximum extent possible with the consent of the parties to the dispute. ADR reduces the time and costs of settling disputes and empowers deciding officials to resolve issues in controversy more creatively and expeditiously. ADR may be invoked at any stage of the Administrative Grievance Procedure; however, it is most successful when initiated early or when the dispute is raised. Information about ADR should be made available to the parties.

4.1.1. **Grievance Mediation.** Grievance mediation is the preferred means of ADR under the Agency Grievance Procedure. The WR-ALC/ADR Office is available to mediate grievances upon request. If grievance mediation is requested by either party, the WR-ALC/ADR Office will coordinate with all parties to ensure mediation is acceptable. If grievance mediation is deemed acceptable, the WR-ALC/ADR Office will schedule and conduct the mediation effort.

4.2. Informal Dispute Resolution Process.

4.2.1. An employee may seek informal resolution of a matter before filing a formal grievance unless the matter involves an action that was effected through a notice of proposed action, a right to answer and a notice of final decision.

4.2.2. The employee shall present the informal grievance in writing to the immediate supervisor within 15 calendar days of the act or event causing the grievance or from the date the employee became aware/should have been reasonably aware of the act or event. If the matter involves an action taken by, or a relationship with, that supervisor the matter may be presented to the next level supervisor within 15 calendar days as described above. The employee must clearly advise the supervisor of the basis of the matter and the personal relief or remedy sought.

4.2.3. The supervisor must consider the employee's concern and should not reject the informal grievance for any reason; however, if the supervisor believes the matter is not covered by the AGP or is untimely the supervisor should inform the employee. The employee must be allowed to subsequently submit a formal grievance on the matter if so desired.

4.2.4. The supervisor to whom the informal grievance has been submitted must attempt to resolve it. The supervisor should conduct an informal grievance meeting within 15 calendar days of receipt of the grievance to hear the employee's concerns. If this is not possible due to TDY, etc., the supervisor shall advise the employee when the meeting will be held. There should be no long delays in conducting this meeting. The supervisor shall render a written decision within 15 calendar days of the informal grievance meeting. If this is not possible, the supervisor should advise the employee and his/her designated representative, in writing of the date by which a decision will be received. Only in extraordinary situations should the written answer to the informal grievance exceed the 30 calendar days authorized by AFI 36-1203.

4.2.5. If the matter is not resolved in the informal stage, the supervisor should inform the employee in the written decision letter the procedures for filing a formal grievance. This requirement can be met simply by citing the below paragraph 4.3. Formal Grievance Resolution Process.

4.3. Formal Grievance Resolution Process.

4.3.1. An employee may file a formal written grievance if the matter is not resolved in the informal process (e.g., the requested relief is not granted or management's time limit expired with no decision) or where the employee chooses to bypass the informal process and initially file a formal grievance. Said grievance must be filed within 15 calendar days of the informal decision or within 15 calendar days of an unsuccessful mediation effort. The time limit may be extended when, in the judgment of WR-ALC/DPLD, the employee shows that he/she was not notified of the time limit or that circumstances beyond the employee's control prevented the filing of a timely grievance and the delay was not excessive under the circumstances.

4.3.2. Formal grievances must:

4.3.2.1. Be filed in writing addressed to the Labor Relations Office (WR-ALC/DPLD).

4.3.2.2. Give the grievant's full name, duty assignment, work and home phone numbers, and mailing address to which correspondence is to be sent.

4.3.2.3. Contain a sufficiently detailed statement clearly identifying the matter being grieved and to clarify the reasons for the grievance.

4.3.2.4. Describe efforts made to resolve the grievance informally.

4.3.2.5. Specify the personal relief sought by the employee. If the employee believes another action was more appropriate than the action taken, the employee may state that action and the reasons why it is more appropriate. Disciplinary action against another employee is not considered a personal remedy that may be demanded under this procedure.

4.3.2.6. Give the name, mailing address, and telephone number of the employee's representative, if applicable.

4.3.2.7. State that the employee has not filed an appeal, grievance, or complaint resulting from the same action under any appellate, grievance, or complaint procedure.

4.3.2.8. Include copies of any and all documents related to the grievance.

4.3.2.9. Be dated and signed by the employee.

4.4. Labor Relations Office (WR-ALC/DPLD): Upon receipt of a grievance, WR-ALC/DPLD will take one of the following actions:

4.4.1. Reject the grievance if it was untimely filed, covers issues excluded from coverage of the AGP, or consists entirely of matters identical to those of a grievance previously processed or currently in process. Such rejection may occur at any time.

4.4.2. Inform the employee and the employee's representative in writing of the reasons for the rejection and the employee's right to request review of the rejection. Note: A request for review should be addressed to the WR-ALC Commander, Associate Unit Commander, or designees, as appropriate, and marked ATTENTION: WR-ALC/DPLD, within 15 calendar days after receipt of the written notice of rejection of the grievance. WR-ALC/DPLD will forward the request for review to the appropriate level within 15 calendar days of receipt of said request.

4.4.3. Reject the grievance in part if it contains both grievable and nongrievable issues. An employee may request review of the partial rejection as described above.

4.4.4. Accept the grievance, and if ADR is not appropriate, forwards the grievance to a deciding official. At WR-ALC, the deciding officials will be the Wing Commanders or Staff Directors of each organization or their designees. Associate Unit Commanders may designate the deciding officials internally to meet the requirement that decisions be made at a level higher than those officials involved in the grievance. If the issue being grieved crosses organizational lines, WR-ALC/DP may designate the deciding official to ensure impartiality.

4.4.5. Forward to WR-ALC/ADR Office to schedule and conduct grievance mediation if the parties to the grievance concur to the ADR process. If acceptable, normally the meeting will be scheduled within 15 calendar days of the parties' concurrence.

4.5. At the employee's request, forward the grievance to a deciding official as described in 4.4.4., if grievance mediation is used but not successful.

4.6. Deciding Official Action. The deciding official or designee will meet with the employee and his/her representative within 15 calendar days of receipt of the grievance to hear the employee's grievance. Upon completion of the grievance meeting the deciding official or designee may conduct whatever investigation and/or fact-finding is required to confirm or deny the validity of the grievance. A written decision signed by the deciding official or designee will be rendered within 30 days of the grievance meeting. In said decision letter the deciding official must advise the employee as to the status of the grievance by clearly indicating that the remedy sought is granted in full, granted partially, or denied, and the reasons for the decision.

4.6.1. If granted, the deciding official must clearly state the corrective action that will be taken.

4.6.2. If denied, the deciding official must clearly state the employee's right to request a review of the decision, if any.

4.6.3. The deciding official must provide WR-ALC/DPLD a copy of any and all documents, to include a copy of the decision letter, for inclusion in the official grievance file.

4.7. Employee Request for Review of Formal Grievance Decision.

4.7.1. The employee may request a review of a formal grievance decision by the WR-ALC Commander or Associate Unit Commander, or designee, when it is rejected, canceled or otherwise terminated without a decision on its merits, or the grievance involves a suspension.

4.7.2. The employee may request such a review by submitting a written request through WR-ALC/DPLD to the appropriate commander, or designee, within 15 calendar days of receipt of the decision. The request for review must clearly and fully explain the rationale behind the request.

4.7.3. WR-ALC/DPLD will forward the request for review to the appropriate commander, or designee, within 15 calendar days of receipt of the request for review.

4.7.4. The commander, or designee, will issue a final decision on the grievance within 30 calendar days of receipt of the request. There is no further review available to the employee.

5. Prescribed and Adopted Forms.

5.1. Prescribed Forms:

No forms prescribed.

5.2. Adopted Forms:

AF Form 847, *Recommendation for Change of Publication*

MARY C. LARRALDE
Director Personnel

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFMAN 33-363, *Management of Records*, 1 Mar 2008

AFPD 36-12, *Dispute Resolution*, 27 Sep 1993

AFMAN 36-606, *Air Force Civilian Career Program Management, Air Force Civil Career Program*, 1 Jul 1995

AFI 36-1203, *Administrative Grievance System*, 1 May 1996

Abbreviations and Acronyms

ADR— Alternative Dispute Resolution

AF— Air Force

AFMAN— Air Force Manual

AFPD— Air Force Policy Directive

AGP— Administrative Grievance Procedure

DoD— Department of Defense

OPR— Office of Primary Responsibility

RDS— Records Disposition Schedule